

JESSE STEPHEN KING
 NAME
K68407
 PRISON NUMBER
S.V.S.P.
PO Box 1050 #01-132
 CURRENT ADDRESS OR PLACE OF CONFINEMENT
Soledad, California # 93960
 CITY, STATE, ZIP CODE

FILED

AUG 18 2008

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

530
NEW

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

E-filing

PJH

CV 08 3943

Civil No.

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

(PR)

JESSE STEPHEN KING
 (FULL NAME OF PETITIONER)
 PETITIONER

v.

MIKE EVANS
 (NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
 PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE
 CALIFORNIA DEPARTMENT OF CORRECTIONS])
 RESPONDENT

and

Jerry Brown
 The Attorney General of the State of
 California, Additional Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
 BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: SAN BERNARDINO # FWV01147
2. Date of judgment of conviction: 10/13/1996
3. Trial court case number of the judgment of conviction being challenged: FWV01147
4. Length of sentence: LIFE + 35 YEARS

008-3943 PJH

5. Sentence start date and projected release date: 10/12/1996 to 2030
6. Offense(s) for which you were convicted or pleaded guilty (all counts): 187 (A)
7. What was your plea? (CHECK ONE)
- (a) Not guilty ☒
- (b) Guilty ☐
- (c) Nolo contendere ☐
8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
- (a) Jury ☒
- (b) Judge only ☐
9. Did you testify at the trial?
- ☒ Yes ☐ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?
- ☒ Yes ☐ No
11. If you appealed in the California Court of Appeal, answer the following:
- (a) Result: Denied
- (b) Date of result, case number and citation, if known: _____
- (c) Grounds raised on direct appeal: _____
12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:
- (a) Result: Denied
- (b) Date of result, case number and citation, if known: _____
- (c) Grounds raised: _____

5. Sentence start date and projected release date: 10/13/1997 - never
6. Offense(s) for which you were convicted or pleaded guilty (all counts): 187 (a)
7. What was your plea? (CHECK ONE)
- (a) Not guilty ☒
- (b) Guilty ☐
- (c) Nolo contendere ☐
8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
- (a) Jury ☒
- (b) Judge only ☐
9. Did you testify at the trial?
- ☒ Yes ☐ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the **California Court of Appeal**?
- ☒ Yes ☐ No
11. If you appealed in the **California Court of Appeal**, answer the following:
- (a) Result: Denied
- (b) Date of result, case number and citation, if known: _____
- (c) Grounds raised on direct appeal: _____
12. If you sought further direct review of the decision on appeal by the **California Supreme Court** (e.g., a Petition for Review), please answer the following:
- (a) Result: Denied
- (b) Date of result, case number and citation, if known: _____
- (c) Grounds raised: _____

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

- (a) Result: NEVER
- (b) Date of result, case number and citation, if known: _____
- (c) Grounds raised: _____

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☒ Yes ☐ No

15. If your answer to #14 was "Yes," give the following information:

- (a) California Superior Court Case Number: _____
- (b) Nature of proceeding: _____
- (c) Grounds raised: FIRST AMENDMENT UNITED STATES CONSTITUTION FOR ABRIDGING THE FREEDOM OF SPEECH WHEN I SUIT. BNAVO IS SEALING ADDRESSES TELLING ME NOT TO WRITE PEOPLE.
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: _____
- (f) Date of result: _____

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☒ Yes ☐ No

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

- (a) Result: Denial
- (b) Date of result, case number and citation, if known: _____
- (c) Grounds raised: _____

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☐ Yes ☐ No

15. If your answer to #14 was "Yes," give the following information:

- (a) California Superior Court Case Number: _____
- (b) Nature of proceeding: _____
- (c) Grounds raised: First Amendment United States Constitution For Abridging The Freedom of Speech when Iu Hensley is creating Addresses telling me not to write people Asking For Help
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No
- (e) Result: _____
- (f) Date of result: _____

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☒ Yes ☐ No

17. If your answer to #16 was "Yes," give the following information:

- (a) **California Court of Appeal** Case Number: _____
- (b) Nature of proceeding: _____
- (c) Grounds raised: California Constitution First Amendment
to Petition The Government For A Redress of
Grievances.
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: denied
- (f) Date of result: _____

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the **California Supreme Court**?

☒ Yes ☐ No

19. If your answer to #18 was "Yes," give the following information:

- (a) **California Supreme Court** Case Number: _____
- (b) Nature of proceeding: _____
- (c) Grounds raised: _____
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: denied
- (f) Date of result: _____

20. If you did *not* file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court containing the grounds raised in this federal Petition, explain briefly why you did not:

S 14 9938 EN BANC DENIED FEB 21, 2007

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?

☒ Yes ☐ No (If "YES" SKIP TO #22)

(a) If no, in what federal court was the prior action filed? _____

(i) What was the prior case number? _____

(ii) Was the prior action (CHECK ONE):

☐ Denied on the merits?

☐ Dismissed for procedural reasons?

(iii) Date of decision: _____

(b) Were any of the issues in this current petition also raised in the prior federal petition?

☐ Yes ☒ No

(c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?

☐ Yes ☒ No

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present *all* other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

☐ Yes ☒ No

24. If your answer to #23 is "Yes," give the following information:

(a) Name of Court: _____

(b) Case Number: _____

(c) Date action filed: _____

(d) Nature of proceeding: _____

(e) Grounds raised: _____

(f) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing: Harve Day Schiffman

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: Michael Dashjian

(f) In any post-conviction proceeding: _____

(g) On appeal from any adverse ruling in a post-conviction proceeding: _____

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☒ Yes ☐ No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes ☒ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence: LIFE + 35 Years

TEN YEARS FOR A GUN

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

☐ Yes ☒ No

28. Date you are mailing (or handing to a correctional officer) this Petition to this court: _____

8/17/2008

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

8/17/2008

(DATE)

June Stephen King
SIGNATURE OF PETITIONER

NO PAGE 1-2
" " 5-6

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION PROTECTS THE RIGHT TO FREEDOM OF RELIGION AND THE FREEDOM OF EXPRESSION FROM GOVERNMENT INTERFERENCE. FREEDOM OF EXPRESSION CONSISTS OF THE RIGHTS TO FREEDOM OF SPEECH, PRESS, ASSEMBLY AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES, ETC.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

PRISONER MAIL CENSORSHIP OR CORRESPONDENCE STARTS WITH ACCESS TO PERSONAL ADDRESSES WHICH THE SUPPRESSION OF EXPRESSION OF THE FIRST AMENDMENT, IS PLAINLY A "LIBERTY" INTEREST WITHIN THE MEANING OF THE FOURTEENTH AMENDMENT 2004 ATTORNEY PHONE BOOK IS THE ONLY ONE HERE. THAT RULE CONSTITUTED AN UNJUSTIFIABLE RESTRICTION ON THE RIGHT OF ACCESS TO THE COURTS. "THE USE OF THE MAIL IS ALMOST AS MUCH A PART OF FREE SPEECH AS THE RIGHT TO USE OUR TONGUES...."

HOW DO I GET EXCULPATORY EVIDENCE THAT THE PROSECUTION FAILED TO PROVIDE TO THE DEFENDANT? IN ORDER TO PROVE A FUNDAMENTAL MISCARriage OF JUSTICE I NEED NEWLY DISCOVERED EVIDENCE PENAL CODE # 1473.6 HOW DO I GET A RECALLED TESTIMONY IF I CANT FIND THESE ADDRESSES IN A LAWYER DIRECTORY? THE MOST BASIC COMPONENT OF FREEDOM OF EXPRESSION IS THE RIGHT OF FREEDOM OF SPEECH. THE RIGHT TO FREEDOM OF SPEECH ALLOWS INDIVIDUALS TO EXPRESS THEMSELVES WITHOUT INTERFERENCE OR CONSTRAINT BY THE GOVERNMENT. RIGHT TO FREEDOM OF ASSOCIATION AND BELIEF IS IMPLICIT IN THE FIRST, FIFTH, AND FOURTEENTH AMENDMENT. I SHOULD BE ABLE TO HAVE WHITE PAGES NORMAL PHONE BOOKS.

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

PROCTOR VS - MARTINEZ 416 US 316 (1974)
MILWAUKEE SOCIAL DEMOCRATIC PUBLISHING CO. V. BURLESON 255
JALLEY V. CALIFORNIA 362 U.S. 60 (1960) US. 407, 437 (1961)
BRADY V. MARYLAND (1963) 373 US 83, 83 CT 1194, 10 LEd 2d 215
PENAL CODES # 5008 # 2601 # 5054 DOM # 14010.19 + 152080.21

OPERATIONAL MANUAL # 5400.8 Appeals Relating to Mail and Correspondence

7. Ground 2 or Ground _____ (if applicable):

RIGHTS OF ACCESS TO COURTS - THE STATE'S DUTY NOT TO INTERFERE WITH SUCH USE. OBSTACLES THAT INTERFERE WITH THE ABILITY TO PRESENT ONE'S CASE EFFECTIVELY ARE ACTIONABLE

a. Supporting facts:

EXAGGERATING EVIDENCE OF A WRONGFUL CONVICTION OBTAINED THROUGH PROSECUTOR "CORRUPTION" I CAN'T FIND WHEN GUARDS STEAL ADDRESSES FROM A PRIVATE EYE HIRED. HOW DO I GET NEW EVIDENCE? RECALLED TESTIMONY DEROGATION OF FIRST AMENDMENT RIGHTS VIOLATE THE CONSTITUTIONAL GUARANTEES OF FREEDOM OF SPEECH. TO HAVE SUPPRESSION OF EXAGGERATORY EVIDENCE BY THE PROSECUTION CHOOSING TO FORGIVE I'D HAVE TO CALL, WRITE OR SEND A PRIVATE EYE OVER TO ASK. I HAVE A "DIRECT ORDER" NOT TO WHICH VIOLATES MY RIGHT OF ACCESS TO COURTS. ANY "WHITE PAGES" WITH A COMPUTER DIRECTORY THE GUARDS ARE STEALING WITHOUT LETTING ME MAIL THEM HOME. ~~SOMETIMES~~ THIS PAST YEAR I S.O. THASHED MY CELL LEAVING BEHIND PAPERS ALL OVER THE FLOOR. EACH TIME GUARDS HAVE TOOK STUFF FROM MY CELL LEAVING THEM WANTING TO KICK MY BUTT. I'VE BEEN LOCKED INSIDE A SMALL HOLDING ROOM FOR HOURS TO RETURN TO A CELL WITHOUT ANYTHING. GIVING CORRECTIONAL DISCIPLINE FOR WRITING ATTORNEYS AND GUMSHOES! FORCED BY GUARDS TO MAIL HOME MY TELEVISION THEN SENT TO LIVE IN SOLITARY CONFINEMENT. 28 U.S.C. # 2244(d) HAS A TIME BAR WHICH IS UNREALISTIC POSSIBILITY WITH NO CURRENT PHONE DIRECTORIES IN THE LAW LIBRARY. PENAL CODE # 2601 CALIFORNIA CODE OF REGULATIONS, TITLE 15, ARTICLE 4, AND SECTIONS 3165 AND 3174(A) AMERICAN CORRECTIONAL ASSOCIATION STANDARDS 2-4369, 2-4370, 2-4371, 2-4372, 2-4373, 2-4374, 2-4375, 2-4376 ARE VIOLATED

b. Supporting cases, rules, or other authority:

BOARDS V. SMITH, 430 U.S. 828 (1977)
 JOHN L. V. ADAMS, 969 F.2d 228, 235-237 (6th Cir 1992)
 LEWIS V. CASEY, 116 S. Ct. 2174, 2179 (1996)
 DAVIS V. MILWAUKEE CO, 225 F.Supp 2d 967 (E.D.Wis 2002)
 JEWALLS V. FLORIO, 968 F. Supp 193, 203 (D. U.S. 1997)
 GOFF V. NIX, 113 F.3d 887, 891 (8th Cir 1997)
 WALTERS V. EDGAR, 163 F.3d 430, 434 (7th Cir 1998)
 HOAD V. REDDY 175 F.3d 531, 533 (7th Cir 1999)

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: **SEP 22 2007**

In re: King, K-68407
Richard J. Donovan Correctional Facility
at Rock Mountain
P.O. Box 799006
San Diego, CA 92179-9005

IAB Case No.: 0617271

Local Log No.: RJD 07-00277

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner Rick Manuel, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that his request to access a phone book or the Yellow Pages was inappropriately denied. The appellant explains that he is in need of an attorney; however, his current housing restricts him from physical access to the law library. He relates that when an inmate is not allowed physical access to the law library, his legal needs are met via the institutional paging system. He relates that he requested access to a phone book or the Yellow Pages, so he could seek out a new attorney; however, his request was unfairly denied. The appellant requests on appeal that he be allowed access to a phone book or the Yellow Pages.

II SECOND LEVEL'S DECISION: The reviewer found that the appellant's concerns have been properly addressed. Developed information revealed that the appellant's housing status does not disallow him to attend law library sessions. However, in that he has no pending litigation or court ordered deadline dates, he must obtain access to the law library by submitting the appropriate request form. The appellant is reminded that his housing unit has specific days and times each week to visit the law library. The appellant is encouraged to submit a request, so that he can attend the law library as soon as his name reaches the top of the waiting list for his housing unit. As for the appellant's request to access a phone book or Yellow Pages, the appellant is advised that phone books are not maintained in either the recreation library or law library. The reviewer reports that there are some old Yellow Pages in the law library; however, they are about ten years old. White Pages are not permitted in either library. Based upon the aforementioned information, the reviewer considers the appellant's request granted in part at the Second Level of Review (SLR).

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The documentation and arguments presented are persuasive that the appellant has failed to support his appeal issue with sufficient evidence or facts to warrant a modification in the SLR. There is no evidence that supports the appellant's contention that he has inappropriately been denied access to a phone book or a copy of the Yellow Pages. The reviewer has verified that the appellant's housing status does not restrict him from attending the law library. The appellant has been advised of the procedure to receive a law library ducat. Furthermore, he has been advised that his housing unit is assigned specific days and times they can attend the law library. When the appellant accesses the law library he will find that ten-year old Yellow Pages are available; however, phone books are not maintained in any of the institutional libraries. Despite the appellant's dissatisfaction with the SLR decision, he has failed to offer any new or compelling evidence that substantiates his claim. Further review at the Director's Level of Review is not warranted.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section: 3001, 3120, 3122, 3160, 3270

C. ORDER: No changes or modifications are required by the institution.

70 CH 11155, Appeals
 STATE OF CALIFORNIA
 INMATE/PAROLEE APPEAL FORM Office
 FORMA PARA APELACIÓN DE
 REOS/LIBERTADOS CON CONDICIONES

LOCATION: FACILITY / PAROLE REGION

LOG NO.

DEPARTMENT OF CORRECTIONS

CATEGORY

1.

1.

2.

2.

Page 1

Usted puede apelar cualquier póliza, acción o decisión cual tenga significativo adverso afecto para usted. Con la excepción de CDC 115es Serios, acciones del comité de clasificaciones, y decisiones de clasificación u oficiales representantes, primero tiene que informalmente buscar ayuda por medio de discusiones con el oficial apropiado, quien firmara su forma e indicara que accion fue tomado. Si entonces no está satisfecho, puede enviar su apelación junto con todo documento soportivo y no más de una página adicional con comentarios al Coordinador de Apelaciones dentro de quince días de la acción tomada. Ninguna represalia se tomará por responsablemente usar el procedimiento de apelaciones.

NOMBRE (NAME)

NUMERO (NUMBER)

ASIGNACION (ASSIGNMENT)

UNIDA Y N° DE CUARTO (UNIT/ROOM NUMBER)

DESSE Stephen Kiker

K68407

C15-142

A. DESCRIBA EL PROBLEMA (DESCRIBE PROBLEM)

R.K. YOUNG GRANTED LDC-C-06-0212 GRANTED MS. P. BOERTCH G. DOWELLAS, And M. INAJEE WILL NOT LOGGING SERVICES ON FACILITY-C-Telephone Directories Yellow PAGES Are NOT Accessible
 Inmates Access to Courts SHALL NOT BE OBSTRUCTED
 Penal Code # 5058, 5054, And 2601 Are Violated CC15# 3122

Si necesita más espacio, adjunte una oja adicional. (If you need more space, attach one additional sheet.)

B. ACCIÓN SOLICITADA (ACTION REQUESTED)

Court Directory delivered

per CC15 # 3164(d)?

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE/PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

Jen Stephen Kiker

11/16/2006

C. NIVEL INFORMAL (INFORMAL LEVEL)

Fecha Recibida (Date Received)

RESPUESTA DEL EMPLEADO (STAFF RESPONSE)

RECEIVED
 NOV 30 2006
 INMATE APPEALS
 BRANCH

FIRMA DEL EMPLEADO (STAFF SIGNATURE)

FECHA DEVUELTA AL REO (DATE RETURNED TO INMATE)

D. NIVEL FORMAL (FORMAL LEVEL)

Sino esta satisfecho, explique debajo, adjunte documentos soportivos (CDC 115 completo, Reporte del Investigador, Informe de Clasificación, CDC 128, etc.) y sométalos al Coordinador de Apelaciones de la Facilidad/Región de Libertad Condicional para procesar dentro de 15 días de recibir la respuesta. (If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the facility/parole region appeals coordinator for processing within 15 days of receipt of response.)

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

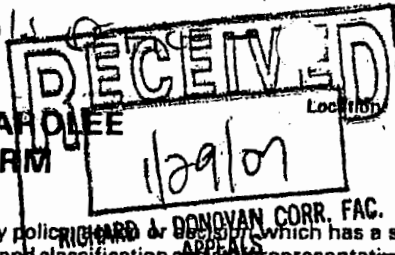
FECHA SOMETIDA (DATE SUBMITTED)

NOTA: APELACIONES DE PROPIEDAD/FONDOS TIENEN QUE SER ENVIADAS JUNTO CON UNA FORMA COMPLETA DEL BOARD OF CONTROL BC-1B. EQUITY CLAIM.

CDC APPEAL NUMBER:

50-attach memo

INMATE/PAROLEE
APPEAL FORM
CDC 602 (12/87)



Location Institution/Parole Region

Log No.

1.

2.

Category

You may appeal any policy, rule, or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Jesse Stephen King	K68407		F3-15-22

A. Describe Problem:

LAW LIBRARY CCRIS # 3170 # 3164 (2) IF AN INMATE'S HOUSING RESTRICTS HIM OR HER FROM GOING TO THE INMATE LAW LIBRARY, ARRANGEMENTS WILL BE MADE TO DELIVER REQUESTED AND AVAILABLE LAW LIBRARY MATERIALS TO THE INMATE'S QUARTERS. CCRIS # 3160 - (A) INMATE ACCESS TO THE COURTS SHALL NOT BE OBSTRUCTED.

Penal code # 5058 # 5054 # 2601 ARE BEING VIOLATED WITHOUT A LAW LIBRARY TO ACCESS.

If you need more space, attach one additional sheet.

B. Action Requested:

Phone book? Yellowpages.com?

Inmate/Parolee Signature:

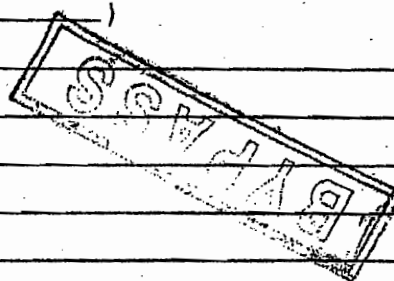
J. Stephen King

Date Submitted:

1-23-07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

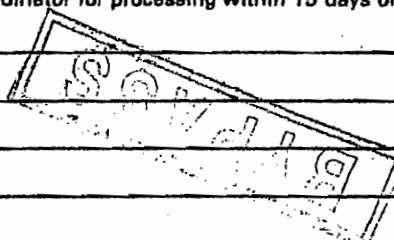


Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.



Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

RSD-07-277

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the SECOND Level

November 22, 2006

KING, K68407
FCB500000000142L

Log Number: LAC-C-06-02512

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

MAIL THIS DIRECTLY TO THIRD LEVEL

CCR 15# 3160 - Inmate Access to Courts (A)
Inmate Access to Courts shall not be obstructed.
Appeals Coordinator
CSP - Los Angeles County
STAFF will not help with
Habeas Corpus Petal Code 5058, 5054, 2601
were violated by R. K. WAGG without
Court Access from 10/19 to 11-27 today
without a Law Library!

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

Second Level Response

CS/142 L

Appellant's Name & CDC No.: King, K-68407
Appeal Log No.: LAC-C-06-02512
Appeal Issue: Legal
Appeal Disposition: Granted

APPEAL ISSUE:

In your appeal you state that the law library is in violation of California Code of Regulations (CCR), Title 15, Section 3160(a), and Penal Codes, by having outdated phone directories at California State Prison-Los Angeles County. You state you are dissatisfied with your First Level response, because Section 3164, Administrative Segregation (Ad-Seg) (d), states, "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested materials to inmate's quarters." You state you are on C-status, and need access from Ms. P. Boetsch, Library Technical Assistant.

APPEAL REQUEST:

You request access to the library while on C-status.

APPEAL RESPONSE:


On September 29, 2006, Ms. M. Magee, Principal (A) interviewed you, in person, to provide you with the opportunity to fully explain your appeal and for you to provide any supporting information or documents. You did not provide any additional information or documents.

A review of your appeal was conducted, which included your interview, a review of this appeal with attachments, and all applicable departmental policies and procedures.

The results of the review revealed that you are not in Ad-Seg, you currently reside in Facility-C, Cell 125, and you do not have Priority Library User status. It is further noted, that you are currently on C-status with Loss of Privileges for receiving two (2) CDC 115's, Rules Violation Reports, within a 60-day period, and will not receive any privileges for another two (2) weeks. Per CCR, Title 15, Section 3164(d), "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested and available law library materials to the inmate's quarters." Paging services are available on Facility-C when requested.

APPEAL DECISION:

Based on the above, this appeal is granted, in that you may use paging services while you are on C-status.


R. K. WONG
Warden (A)

10/11/06
DATE

FIRST LEVEL REVIEW

DATE: FEBRUARY 20, 2007

NAME: KING

CDC NO: K68407

APPEAL NO: RJD-3-07-00277

FIRST LEVEL REVIEW

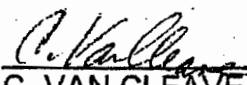
APPEAL ISSUE: PARTIALLY GRANTED

You are upset because you say that you need the yellow pages of a phone book for a new attorney.


APPEAL RESPONSE: In reaching a decision on this issue, a thorough review of your appeal was conducted. Mr. John Mahan, Academic Teacher, interviewed you on February 9, 2007. The Otay Mesa Adult School at the Richard J. Donovan Correctional Facility has opened the satellite library on Facility III. The Law Library generally has some yellow pages, but they are about 10 years old. White pages are not allowed in the prison. Other phone books are discouraged from being brought into the Institution.

The Licensed Technical Assistant (LTA) Ms. Sterling, has been going to the buildings on Facility III to take requests for copies to be made and case laws needed by inmates. You are charged for the case laws on an Inmate Trust Withdrawal. Your account is credited when you return the case law to the library staff. Your building has specific days and times each week to visit the library. Find out when those times are so that you can visit the library. At this time, we do not have any immediate date for opening the library on Facility III.

Therefore, based upon the aforementioned information, the First Level of Review is **PARTIALLY GRANTED**.


C. VAN CLEAVE
Academic Vice-Principal
R. J. Donovan C. F.

3/5/07
Date


E. CONTRERAS
Associate Warden, Facilities I, III
And Education

3/7/07
Date

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

RE: APPEAL LOG # LAC-C-06-02512
First Level Appeal Response

NAME: KING
CDC# K-68407
APPEAL DECISION: PARTIALLY GRANTED
APPEAL ISSUE: LEGAL

CS
140

In your appeal you stated that the law library is in violation of the California Code of Regulations (CCR) Title 15, Section 3160(a), which states in part that inmate access to courts shall not be obstructed. *Inmate Access to Courts*. You further stated that Penal Code, Sections 2601, 5054, and 5058 are being violated with outdated Phone Directories at California State Prison-Los Angeles County.

You requested new Phone Directories for 2006.


APPEAL RESPONSE:

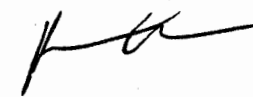
On August 21, 2006, G. Douglas, Academic Vice-Principal (A), interviewed you in person, providing you the opportunity to fully explain your appeal, and/or for you to provide any additional information or documentation. You did not provide any additional information.

A review of your appeal was conducted which included your interview and this appeal. Results of the review revealed that as indicated in your Informal Level Response, telephone directories/yellow pages are not mandated to be provided and/or kept current. Furthermore and also noted in your Informal Level Response, Court Directories are current and accessible within the law library; therefore providing you a means of access to the courts.

Regarding your claim that you are unable to gain access to the library when the outside temperature reaches 90 degrees, there is a procedure in place. During yard time, the building floor officer may notify the facility librarian to determine if there is space available. Subsequently, if space permits, custody staff may then release you to walk to the library, regardless of the outside temperature.

Therefore, based on the aforementioned information, your appeal is partially granted at the First Level of Review, in that if space permits, you may gain access to the library, regardless of the outside temperature.


G. DOUGLAS
Academic Vice-Principal (A)
CSP-Los Angeles County


M. MAGEE
Principal (A)
CSP-Los Angeles County

70 CH 1115, Appeals

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM Office
FORMA PARA APELACIÓN DE
REOS/LIBERTADOS CON CONDICIONES

LOCATION: FACILITY / PAROLE REGION

LOG NO.

DEPARTMENT OF CORRECTIONS

CATEGORY

1.

2.

1.

2.

10

Page 1

CDC 602-B (3/93)

Usted puede apelar cualquier póliza, acción o decisión cual tenga significativo adverso afecto para usted. Con la excepción de CDC 115es Serios, acciones del comité de clasificaciones, y decisiones de clasificación u oficiales representantes, primero tiene que informalmente buscar ayuda por medio de discusiones con el oficial apropiado, quien firmara su forma e indicara que accion fue tomado. Si entonces no está satisfecho, puede enviar su apelación junto con todo documento soportivo y no más de una página adicional con comentarios al Coordinador de Apelaciones dentro de quince días de la acción tomada. Ninguna represalia se tomará por responsablemente usar el procedimiento de apelaciones.

NOMBRE (NAME)

NUMERO (NUMBER)

ASIGNACION (ASSIGNMENT)

UNIDA Y NO DE CUARTO (UNIT/ROOM NUMBER)

DESSE Stephen Kiker

K68407

C15-142

A. DESCRIBA EL PROBLEMA (DESCRIBE PROBLEM)

R.A. TRUST GRANTED LDC-C-06-02512 GRANTED MS. P. BOERTCH G. PROULAS, AND M. MACIEE WILL NOT LOGGING SERVICES ON FACILITY-C-Telephone Directories Yellow PAGES Are NOT Accessible INMATES Access to Courts SHALL NOT BE OBSTRUCTED Penal Code # 5058, 5054, And 2601 Are Violated CCIR15# 3122

Si necesita más espacio, adjunte una oja adicional. (If you need more space, attach one additional sheet.)

B. ACCIÓN SOLICITADA (ACTION REQUESTED)

Court Directory delivered per CCIR # 3164(d)?

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE/PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

Desse Stephen Kiker

11/16/2006

C. NIVEL INFORMAL (INFORMAL LEVEL)

Fecha Recibida (Date Received)

RESPUESTA DEL EMPLEADO (STAFF RESPONSE)

RECEIVED
NOV 30 2006
INMATE APPEALS
BRANCH

FIRMA DEL EMPLEADO (STAFF SIGNATURE)

FECHA DEVUELTA AL REO (DATE RETURNED TO INMATE)

D. NIVEL FORMAL (FORMAL LEVEL)

Sino esta satisfecho, explique debajo, adjunte documentos soportivos (CDC 115 completo, Reporte del Investigador, Informe de Clasificación, CDC 128, etc.) y sométalos al Coordinador de Apelaciones de la Facilidad/Región de Libertad Condicional para procesar dentro de 15 días de recibir la respuesta. (If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the facility/parole region appeals coordinator for processing within 15 days of receipt of response.)

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

NOTA: APELACIONES DE PROPIEDAD/FONDOS TIENEN QUE SER ENVIADAS JUNTO CON UNA FORMA COMPLETA DEL BOARD OF CONTROL BC-1B EQUITY CLAIM.

CDC APPEAL NUMBER:

50-attach me

NOV 18 2006

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

Second Level Response

CS/142 L

Appellant's Name & CDC No.: King, K-68407
Appeal Log No.: LAC-C-06-02512
Appeal Issue: Legal
Appeal Disposition: Granted

APPEAL ISSUE:

In your appeal you state that the law library is in violation of California Code of Regulations (CCR), Title 15, Section 3160(a), and Penal Codes, by having outdated phone directories at California State Prison-Los Angeles County. You state you are dissatisfied with your First Level response, because Section 3164, Administrative Segregation (Ad-Seg) (d), states, "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested materials to inmate's quarters." You state you are on C-status, and need access from Ms. P. Boetsch, Library Technical Assistant.

APPEAL REQUEST:

You request access to the library while on C-status.

APPEAL RESPONSE:


On September 29, 2006, Ms. M. Magee, Principal (A) interviewed you, in person, to provide you with the opportunity to fully explain your appeal and for you to provide any supporting information or documents. You did not provide any additional information or documents.

A review of your appeal was conducted, which included your interview, a review of this appeal with attachments, and all applicable departmental policies and procedures.

The results of the review revealed that you are not in Ad-Seg, you currently reside in Facility-C, Cell 125, and you do not have Priority Library User status. It is further noted, that you are currently on C-status with Loss of Privileges for receiving two (2) CDC 115's, Rules Violation Reports, within a 60-day period, and will not receive any privileges for another two (2) weeks. Per CCR, Title 15, Section 3164(d), "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested and available law library materials to the inmate's quarters." ? Paging services are available on Facility-C when requested.

APPEAL DECISION:

Based on the above, this appeal is granted, in that you may use paging services while you are on C-status.


R. K. WONG
Warden (A)

10/19/06
DATE

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

RE: APPEAL LOG # LAC-C-06-02512
First Level Appeal Response

NAME: KING
CDC# K-68407
APPEAL DECISION: PARTIALLY GRANTED
APPEAL ISSUE: LEGAL

CS
140

In your appeal you stated that the law library is in violation of the California Code of Regulations (CCR) Title 15, Section 3160(a), which states in part that inmate access to courts shall not be obstructed. *Inmate Access to Courts*. You further stated that Penal Code, Sections 2601, 5054, and 5058 are being violated with outdated Phone Directories at California State Prison-Los Angeles County.

You requested new Phone Directories for 2006.

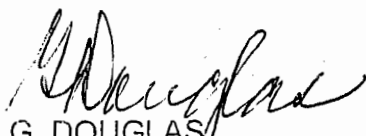
APPEAL RESPONSE:


On August 21, 2006, G. Douglas, Academic Vice-Principal (A), interviewed you in person, providing you the opportunity to fully explain your appeal, and/or for you to provide any additional information or documentation. You did not provide any additional information.

A review of your appeal was conducted which included your interview and this appeal. Results of the review revealed that as indicated in your Informal Level Response, telephone directories/yellow pages are not mandated to be provided and/or kept current. Furthermore and also noted in your Informal Level Response, Court Directories are current and accessible within the law library; therefore providing you a means of access to the courts.

Regarding your claim that you are unable to gain access to the library when the outside temperature reaches 90 degrees, there is a procedure in place. During yard time, the building floor officer may notify the facility librarian to determine if there is space available. Subsequently, if space permits, custody staff may then release you to walk to the library, regardless of the outside temperature.

Therefore, based on the aforementioned information, your appeal is partially granted at the First Level of Review, in that if space permits, you may gain access to the library, regardless of the outside temperature.


G. DOUGLAS
Academic Vice-Principal (A)
CSP-Los Angeles County


M. MAGEE
Principal (A)
CSP-Los Angeles County

INMATE/PAROLEE
APPEAL FORM
CDC 802 (12/87)

Location: Institution/Parole Region

CSP-CORCORAN

Log No.

Category

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Section CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send an appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM/NUMBER
Jesse Stephen King	K6407	SHU	304-1211

A. Describe Problem: CSP 15 # 3160 Inmate Access to the Courts (A) SHALL NOT BE OBSERVED
CSP 15 # 3144 (5) Withheld / Disallowed Mail, OP # 205, AND Mail Den. # 5140.
30 + 5140.29.2 were Violated on 7/27/2005 by 90 BRAISILVA on
CDC 115 (5) PAGES CONTAINING PERSONAL INFORMATION NOT THE INMATES
W/HELD MAIL ROOM Side Address Needed to Get Court Exculpatory Evidence
to Get out of Prison. This Violated U.S. AND STATE Constitutional Rights.

If you need more space, attach one additional sheet.

B. Action Requested: Issue SPACES OF ADDRESSES / PERSONAL INFORMATION?

Inmate/Parolee Signature:

Jesse Stephen King

Date Submitted:

7/28/2005

C. INFORMAL LEVEL (Date Received:

11/3/2011) MM,

Staff Response:

BYPASS

RECEIVED
FEB-9 2016
INMATE APPEALS
BRANCH

Staff Signature:

Date Returned to Inmate:

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature:

Date Submitted:

Note: Property/Funds appeals must be according to policy completed.
 Board of Control form BC-1E, Inmate Claim.

CDC Appeal Number: 3340

EXHIBIT

P.F. 3.

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other
E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 9/26/05 Due Date: 11/8/05
Interviewed by: B. Silva, See Attached

SP - CORCORAN
APPEALS OFFICE
05 SEP 21 PM 3:09
Staff Signature: [Signature] Title: OSSI Date Completed: 10-12-05
Division Head Approved: [Signature] Title: AW-ES Returned: 10/19/05
Signature: [Signature] Date Submitted: 10/12/05

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

OPERATION MANUAL # 54010.14.1, 54010.7, 54010.18, 54010.26, 54010.2
54010.1, 54010.2, 54010.3, 54010.4, 54010.5, AND Penal Code 2601
BRAIN SILVA VIOLATED WHEN NOT ISSUED MAIL SAYING TO ASK LITIGATION
OFFICER AT LANCASTER. THE MAIL IS FAMILY AND SHOULD BE ISSUED ASAP!

Signature: Jim Stephen King Date Submitted: 11/3/2005

Second Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other
G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____ Due Date: _____
☐ See Attached Letter

Signature: _____ Date Completed: _____
Warden/Superintendent Signature: _____ Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

INTERFERING WITH THE FREEDOM OF SPEECH "O WILLIAMS AT LANCASTER WILL
NOT ISSUE IN VIOLATION OF BOTH US. AND STATE CONSTITUTIONAL LAW Penal Code
#2601 AND CCP# 319.3 LIABILITY - COMPENSATION CCP# 3130# 3131,
3133# 3135 (b) CORRECTIONAL STAFF SHALL NOT CHALLENGE OR
CONFESSION THE SENDER OR RECEIVER WITH SUCH VALUE JUDGMENT.
3136 # 3147 (a)(5)(B) CAPTAIN MIKE DENSEN I'M TRYING TO HELP.

Signature: Jim Stephen King AND NEED MY LIST. Date Submitted: 11/3/2006

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other
☐ See Attached Letter

EXHIBIT

1. Penal Code 2601 - Retention of Rights - Notwithstanding any other provision of law, each person described in Section 2600 shall have the following civil rights:
 - (c) To purchase, receive, read, and permit other inmates to read any and all legal materials, newspapers, periodicals, and books accepted for distribution by the United States Post Office, except those which describe the making of any weapon, explosive, poison, or destructive device, or which in the judgement of the Director of Corrections, in the Director's sole discretion, depicts, portrays, or describes a sexual assault upon a correctional employee.
2. Jackson v. Ward, 458 F. Supp. 546 "Protect Against Arbitrary and Capricious Censorship Decisions Grounded upon Infeasible or Erroneous Consideration."
3. THE DEGREE of Civilization in a Society is revealed by ENTERING it Prisons. DESERVING
4. Taylor v. Perini, DC. Ohio 1976, 413 F. Supp. 189 "No Apparent Rationale existed for policy of Prison to Ban Nude Photographs"
5. CCRIS #3135 - Disturbance or Offensive Correspondence (b) Disagreements with the sender's or receiver's apparent moral values, attitudes, veracity, or choice of words will not be censored, etc.
6. CCRIS # 3136 - Disapproval of Inmate Mail - (a) Staff shall not permit any inmate to send or receive mail which, in their judgement, has any of the characteristics listed in Section 306(c)
7. CCRIS # 3330 - Chief Executive Officer (a) A Guardian or Superintendent of an institution of the Department

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

Court of Appeal - Sixth App. Dist.

FILED

MAY 29 2008

MICHAEL J. YERLY, Clerk

In re JESSE STEPHEN KING,

on Habeas Corpus.

H032951

By

(Monterey County)

DEPUTY

BY THE COURT:

The petition for writ of habeas corpus is denied without prejudice to the refile of the petition in the Monterey County Superior Court.

(Bamattre-Manoukian, Acting P.J., and Mihara, J., participated in this decision.)

Dated MAY 29 2008 BAMATTRE-MANOUKIAN, J. Acting P.J.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

FILED

APR 23 2008

CONNIE MAZZEI
CLERK OF THE SUPERIOR COURT
DEPUTY
Mary Castro
MARY CASTRO

In re) Case No.: HC 6097
Jessie Stephen King) ORDER
On Habeas Corpus.)

On Feb. 25, 2008, Petitioner, Jessie Stephen King, filed a petition for writ of habeas corpus.

On March 13, 2008, Petitioner filed an Ex Parte Motion for Appointment of Counsel.

Petitioner is currently incarcerated at Salinas Valley State Prison.

Petitioner appears to complain about prison mail censorship, the right of access to the courts, the lack of a phone book and getting a disciplinary violation "for writing attorneys and gumshoes." (Petition at 4) Petitioner contends that without access to a Yellow Pages Directory, he is unable to hire a private investigator to gather exonerating evidence. (*Id.* at 5). Petitioner also contends that his attorney's reports containing his family's phone numbers are being stolen by prison guards. (*Id.* at 6)

As to Petitioner's claim is that he needs access to the law library at SVSP, Petitioner must exhaust administrative remedies with SVSP so that institution has an opportunity to resolve the matter. *In re Dexter* (1979) 25 Cal.3d 921, 925. The only documents attached to the petition are various administrative appeals decisions related to law library access and the lack of phone books in the prison law libraries at Richard J. Donovan Correctional Facility in San Diego and California State Prison in Los Angeles County. Presumably, each institution has different procedures for law library access, depending on a prisoner's custody status.

1
2 As to Petitioner's claim that he needs access to a phone directory, the court denies the
3 claim. Included with the petition is a Sept. 22, 2007, Director's Level Appeal Decision (Log No.
4 RJD 07-00277), stating "phone books are not maintained in any of the institutional libraries."

5 To the extent Petitioner is challenging the disposition of a rules violation report, the court
6 denies the claim without prejudice as there is insufficient information in the file to address the
7 claim. The petitioner bears a heavy burden initially to plead sufficient grounds fore relief.
8 *People v. Duvall* (1995) 9 Cal. 4th 464, 474. The petition should state fully and with particularity
9 the facts on which relief is sought, and include copies of reasonably available documentary
10 evidence supporting the claim. *Id.* Attached to the petition is a Director's Level Appeal
11 Decision of Jan. 29, 2008, that appears related to Petitioner's challenge to a disciplinary violation
12 from SVSP, for Disobeying a Direct Order, apparently for not ceasing a practice of sending
13 unwelcome and unsolicited correspondence. There are no documents reflecting the rules
14 violation hearing, Petitioner's appeal or the lower level decisions.

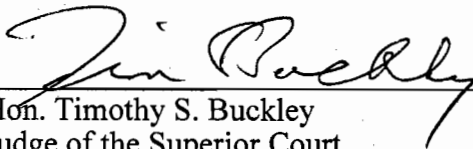
15 The court also denies without prejudice Petitioner's claim for prison mail censorship
16 because there are insufficient allegations and no supporting documentation or information in the
17 file to address that claim.

18 The petition is denied for the reasons stated above.

19 IT IS SO ORDERED.

20
21 Dated: 4-23-08



22
23 
24 Hon. Timothy S. Buckley
25 Judge of the Superior Court

CERTIFICATE OF MAILING

C.C.P. SEC. 1013a

I do hereby certify that I am not a party to the within stated cause and that on

APR 28 2008

I deposited true and correct copies of the following document:

ORDER in sealed envelopes with postage thereon fully prepaid, in the mail at Salinas,
California, directed to each of the following named persons at their respective addresses as
hereinafter set forth:

Jesse Stephen King, K-68407
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960

Dated: **APR 28 2008**

Connie Mazzei,
Clerk of the Court

By: Mary Castro
Deputy

6/26/08

Dear ~~Christine~~ ^{Klein} Friedman, ~~Executive~~

How much to get evidence that prove a
wrongful conviction obtained through prosecuter
"corruption"? ?

Christine Friedman has pictures Bill Rortschile

[REDACTED] to the Mayor I was

[REDACTED]
[REDACTED]
[REDACTED] framed with Homicide!

[REDACTED]
I've spent 12 years years

innocent! Can you please help?

Respectfully,

Jesse Stephen King

* K68407

* 01/10/09 AL-SEC

P.O. Box 1050

Salinas, California

* 97960-1050

P.S

Are you family with
Julia Maria Rortschile?

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: May 17, 2007

To: NAME: KING
CDC #: K-68407

Richard J. Donovan Correctional Facility at Rock Mountain

Subject: SECOND LEVEL APPEAL RESPONSE LOG NO.: RJD-3-07-00277

APPEAL ISSUE:

You are appealing the issue that you need to review a phone book for a new attorney. Since a phone book is not readily available, your constitutional rights are being violated.

APPEAL RESPONSE:


A review of the Richard J. Donovan Correctional Facility "Effective Communication List of Inmates with a Test of Adult Basic Education Reading Score of 4.0 or Less" reveals that the inmate does not require assistance in order to ensure effective communication.

Mr. King, the Facility 3 Library/Law Library is currently open and available for the inmate population. Your housing unit has specific days and times each week to visit the Library. Find out the times the Library is open to your housing unit so that you may visit and obtain your information. The Operations Manual sections that you quote are not applicable or don't exist in regard to phone books in the Library. Phone books are not easily accessible; however, not having access to one does not violate your constitutional rights. You need to work with the Library staff and go to the Library when housing unit 13 is scheduled.

APPEAL DECISION:

Denied.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.


Chief Deputy Warden (A)
California Department of Corrections and Rehabilitation
Richard J. Donovan Correctional Facility at Rock Mountain

For Ms. M. Magee
Principal

INMATE REQUEST
FOR INTERVIEW

11-12-2006

~~ID#~~: JESSE STEPHEN KING #K68407 → CS-142
TO: →

QUESTION - Can I Get A Phone book?

Answer - You can use what is available in the
Facility library.

1. Penal Code 2601 - Retention of Rights - Notwithstanding any other provisions of law, each person described in Section 2600 shall have the following civil rights:

(c) To purchase, receive, read, and permit other inmates to read any and all legal materials, newspapers, periodicals, and books accepted for distribution by the United States Post Office, except those which describe the making of any weapons, explosive, poison, or destructive device, or which in the judgment of the Director of Corrections, in the Director's sole discretion, depicts, portrays, or describes a sexual assault upon a correctional employee.

2. Jackson v. Ward, 458 F. Supp. 546 "Protect Against Arbitrary and Capricious Censorship Decisions Grounded upon Inexplicable or Erroneous Considerations."

3. THE DEGREE OF CIVILIZATION in A SOCIETY is REVEALED by ENTERING it PRISONS. DESEREGASY

4. Taylor v. Perini, DC. Ohio 1976, 413 F. Supp. 189 "No Apparent Rationale Existed for Policy of Prison to Ban Nude Photographs"

5. CCRIS #3135 - Disturbance or Offensive Correspondence (b)

Disagreements with the sender's or receiver's apparent moral values, attitudes, veracity, or choice of words will not be censored, etc.

6. CCRIS #3136 - Disapproval of Inmate Mail - (a) Staff shall not permit any inmate to send or receive mail which, in their judgment, has any of the characteristics listed in Section 306(c)

7. CCRIS #3380 - Chief Executive Officer (a) A Chaplain or Superintendent of an institution of the Department

First Level

☐ Granted☒ P. Grant☐ Denied☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 7/25Due Date: 9/6

Interviewed by: _____

Staff Signature: [Signature]Title: Academy Vice Principal (A)Date Completed: 8-21-08

Division Head Approved: _____

Signature: [Signature]Title: Principal

Returned

Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

3164 ADMINISTRATIVE SEPARATIVE (d) IF AN INMATE'S HOUSING RESTRICTS HIM FROM GOING TO THE INMATE LAW LIBRARY, ARRANGEMENTS WILL BE MADE TO DELIVER REQUESTED MATERIALS TO INMATE'S QUARTERS. C STATUS I

Signature: [Signature]Date Submitted: Sept-17, 2008

Second Level

☒ Granted☐ P. Granted☐ Denied☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____

Due Date: _____

☐ See Attached LetterSignature: [Signature]

Date Completed: _____

Warden/Superintendent Signature: [Signature]Date Returned to Inmate: 10/19/08

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

"PAGING SERVICES ARE AVAILABLE ON FACILITY C"
R. K. WALKER, M. MAGEE, G. DOUGLAS AND P. BOERSCH
WILL NOT ACCESS A LAW LIBRARY OR A DIRECTORY. R. B. ELLI
AND A. COX HAVE BEEN HOURLY ALL LEGAL MATERIALS IN
VIOLATION OF CCR 15 # 3161 INMATE OWNED LEGAL MATERIAL
CCR 15 # 3160 INMATE ACCESS TO COURT - NOT BE OBSTACLED

Signature: [Signature]Date Submitted: 10/19/2008

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted☐ P. Granted☐ Denied☐ Other☐ See Attached Letter

Date: _____

STATE OF CALIFORNIA
CDC 1819 (Rev. 6/98)

DEPARTMENT OF CORRECTIONS

NOTIFICATION OF DISAPPROVAL - MAIL/PACKAGES/PUBLICATIONS

INMATE'S NAME

CDC NUMBER

J. King 3A04-1272

K68407

MAIL/ PACKAGES SECTION (Complete for mail or package cases only)☒ INCOMING MAIL/PACKAGE☐ OUTGOING MAIL/PACKAGE

LIST ITEM(S) WHICH MEET DISAPPROVAL CRITERIA

DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA, INCLUDE CCR, TITLE 15 SECTION

DISPOSITION	SENDER INFORMATION	
<input type="checkbox"/> HELD PENDING INVESTIGATION/APEAL	FIRST NAME Sharon	MI MI
<input type="checkbox"/> RETURNED TO SENDER (At Inmate's Expense) (Date)	LAST NAME Ponteornio	
<input type="checkbox"/> DESTROYED	ADDRESS (NUMBER AND STREET) 33310 West Valley Rd.	
*(INMATE HAS FIFTEEN (15) DAYS, AFTER NOTIFICATION OF DISAPPROVAL HAS BEEN FORWARDED, TO LET STAFF KNOW THE CHOICE OF DISPOSAL, OTHERWISE MATERIAL WILL BE DESTROYED).	CITY Smiths River	STATE CA
	ZIP CODE 93257	
	I ACKNOWLEDGE RECEIPT OF THIS NOTIFICATION: (INMATE'S SIGNATURE)	
	DATE SIGNED	

AUTHORITY TO DISALLOW (Must be completed in all cases)

PRINTED NAME OF WARDEN'S DESIGNEE A. J.	SIGNATURE OF WARDEN'S DESIGNEE <i>[Signature]</i>	DATE SIGNED 7/21/08	DATE FORWARDED TO INMATE 7/25/08
--	--	------------------------	-------------------------------------

PUBLICATIONS SECTION (Complete for publication cases only)

TITLE OF PUBLICATION (Include issue/date)	PUBLISHER	PAGE(S) WHICH MEET DISAPPROVAL CRITERIA
DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA, INCLUDE CCR, TITLE 15 SECTION		

DISPOSITION	DESIGNEE INFORMATION	
<input type="checkbox"/> HELD PENDING INVESTIGATION/APEAL	FIRST-NAME MI	LAST NAME
<input type="checkbox"/> DESTROYED	ADDRESS (NUMBER AND STREET)	
<input type="checkbox"/> RETURNED TO OUTSIDE DESIGNEE AT INMATE'S EXPENSE (Date)	CITY	STATE
** (INMATE HAS FIFTEEN (15) DAYS, AFTER NOTIFICATION OF DISAPPROVAL HAS BEEN FORWARDED, TO LET STAFF KNOW THE CHOICE OF DISPOSAL, OTHERWISE MATERIAL WILL BE DESTROYED).	ZIP CODE	
	I ACKNOWLEDGE RECEIPT OF THIS NOTIFICATION: (INMATE'S SIGNATURE)	
	DATE SIGNED	

AUTHORITY TO DISALLOW (Must be completed in all cases)

FACILITY CAPTAIN'S PRINTED NAME	FACILITY CAPTAIN'S SIGNATURE	DATE SIGNED	DATE FORWARDED TO INMATE
---------------------------------	------------------------------	-------------	--------------------------

DISTRIBUTION:
ORIGINAL - MAILROOM
CANARY - INMATE
PINK - SENDER / DESIGNEE* ALL APPEALS REGARDING MAIL/PACKAGES SHALL BE REFERRED TO THE WARDEN'S DESIGNATED STAFF** ALL APPEALS REGARDING PUBLICATIONS SHALL BE REFERRED TO THE FACILITY CAPTAIN.

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: SEP 22 2007

In re: King, K-68407
Richard J. Donovan Correctional Facility
at Rock Mountain
P.O. Box 799006
San Diego, CA 92179-9005

IAB Case No.: 0617271

Local Log No.: RJD 07-00277

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner Rick Manuel, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that his request to access a phone book or the Yellow Pages was inappropriately denied. The appellant explains that he is in need of an attorney; however, his current housing restricts him from physical access to the law library. He relates that when an inmate is not allowed physical access to the law library, his legal needs are met via the institutional paging system. He relates that he requested access to a phone book or the Yellow Pages, so he could seek out a new attorney; however, his request was unfairly denied. The appellant requests on appeal that he be allowed access to a phone book or the Yellow Pages.

II SECOND LEVEL'S DECISION: The reviewer found that the appellant's concerns have been properly addressed. Developed information revealed that the appellant's housing status does not disallow him to attend law library sessions. However, in that he has no pending litigation or court ordered deadline dates, he must obtain access to the law library by submitting the appropriate request form. The appellant is reminded that his housing unit has specific days and times each week to visit the law library. The appellant is encouraged to submit a request, so that he can attend the law library as soon as his name reaches the top of the waiting list for his housing unit. As for the appellant's request to access a phone book or Yellow Pages, the appellant is advised that phone books are not maintained in either the recreation library or law library. The reviewer reports that there are some old Yellow Pages in the law library; however, they are about ten years old. White Pages are not permitted in either library. Based upon the aforementioned information, the reviewer considers the appellant's request granted in part at the Second Level of Review (SLR).

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The documentation and arguments presented are persuasive that the appellant has failed to support his appeal issue with sufficient evidence or facts to warrant a modification in the SLR. There is no evidence that supports the appellant's contention that he has inappropriately been denied access to a phone book or a copy of the Yellow Pages. The reviewer has verified that the appellant's housing status does not restrict him from attending the law library. The appellant has been advised of the procedure to receive a law library ducat. Furthermore, he has been advised that his housing unit is assigned specific days and times they can attend the law library. When the appellant accesses the law library he will find that ten-year old Yellow Pages are available; however, phone books are not maintained in any of the institutional libraries. Despite the appellant's dissatisfaction with the SLR decision, he has failed to offer any new or compelling evidence that substantiates his claim. Further review at the Director's Level of Review is not warranted.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section: 3001, 3120, 3122, 3160, 3270

C. ORDER: No changes or modifications are required by the institution.

STATE OF CALIFORNIA
CDC 1819 (Rev. 6/98)

DEPARTMENT OF CORRECTIONS

NOTIFICATION OF DISAPPROVAL - MAIL/PACKAGES/PUBLICATIONS

INMATE'S NAME

CDC NUMBER

J King 3A14-1272

K684107

MAIL/ PACKAGES SECTION (Complete for mail or package cases only)☒ INCOMING MAIL/PACKAGE☐ OUTGOING MAIL/PACKAGE

LIST ITEM(S) WHICH MEET DISAPPROVAL CRITERIA

DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA, INCLUDE CCR, TITLE 15 SECTION

DISPOSITION		SENDER INFORMATION		
<input type="checkbox"/>	HELD PENDING INVESTIGATION/APEAL	FIRST NAME	MI	LAST NAME
<input type="checkbox"/>	RETURNED TO SENDER (At Inmate's Expense) (Date)	ADDRESS (NUMBER AND STREET)		
<input type="checkbox"/>	DESTROYED	33310 West Valley Rd.		
*(INMATE HAS FIFTEEN (15) DAYS, AFTER NOTIFICATION OF DISAPPROVAL HAS BEEN FORWARDED, TO LET STAFF KNOW THE CHOICE OF DISPOSAL, OTHERWISE MATERIAL WILL BE DESTROYED).		CITY	STATE	ZIP CODE
		Smithroot CA 95749		
		I ACKNOWLEDGE RECEIPT OF THIS NOTIFICATION: (INMATE'S SIGNATURE)		DATE SIGNED

AUTHORITY TO DISALLOW (Must be completed in all cases)

PRINTED NAME OF WARDEN'S DESIGNEE	SIGNATURE OF WARDEN'S DESIGNEE	DATE SIGNED	DATE FORWARDED TO INMATE
A.D.I.	[Signature]	7/21/08	7/25/08

PUBLICATIONS SECTION (Complete for publication cases only)

TITLE OF PUBLICATION (Include issue/date)	PUBLISHER	PAGE(S) WHICH MEET DISAPPROVAL CRITERIA

DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA, INCLUDE CCR, TITLE 15 SECTION

DISPOSITION		DESIGNEE INFORMATION		
<input type="checkbox"/>	HELD PENDING INVESTIGATION/APEAL	FIRST-NAME	MI	LAST NAME
<input type="checkbox"/>	DESTROYED	ADDRESS (NUMBER AND STREET)		
<input type="checkbox"/>	RETURNED TO OUTSIDE DESIGNEE AT INMATE'S EXPENSE (Date)	CITY	STATE	ZIP CODE
**(INMATE HAS FIFTEEN (15) DAYS, AFTER NOTIFICATION OF DISAPPROVAL HAS BEEN FORWARDED, TO LET STAFF KNOW THE CHOICE OF DISPOSAL, OTHERWISE MATERIAL WILL BE DESTROYED).		I ACKNOWLEDGE RECEIPT OF THIS NOTIFICATION: (INMATE'S SIGNATURE)		DATE SIGNED

AUTHORITY TO DISALLOW (Must be completed in all cases)

FACILITY CAPTAIN'S PRINTED NAME	FACILITY CAPTAIN'S SIGNATURE	DATE SIGNED	DATE FORWARDED TO INMATE

DISTRIBUTION:
ORIGINAL - MAILROOM

CANARY - INMATE

PINK - SENDER / DESIGNEE

* ALL APPEALS REGARDING MAIL/PACKAGES SHALL BE REFERRED TO THE WARDEN'S DESIGNATED STAFF** ALL APPEALS REGARDING PUBLICATIONS SHALL BE REFERRED TO THE FACILITY CAPTAIN.

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

Second Level Response

CS/142 L

Appellant's Name & CDC No.: King, K-68407
Appeal Log No.: LAC-C-06-02512
Appeal Issue: Legal
Appeal Disposition: Granted

APPEAL ISSUE:

In your appeal you state that the law library is in violation of California Code of Regulations (CCR), Title 15, Section 3160(a), and Penal Codes, by having outdated phone directories at California State Prison-Los Angeles County. You state you are dissatisfied with your First Level response, because Section 3164, Administrative Segregation (Ad-Seg) (d), states, "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested materials to inmate's quarters." You state you are on C-status, and need access from Ms. P. Boetsch, Library Technical Assistant.

APPEAL REQUEST:

You request access to the library while on C-status.

APPEAL RESPONSE:


On September 29, 2006, Ms. M. Magee, Principal (A) interviewed you, in person, to provide you with the opportunity to fully explain your appeal and for you to provide any supporting information or documents. You did not provide any additional information or documents.

A review of your appeal was conducted, which included your interview, a review of this appeal with attachments, and all applicable departmental policies and procedures.

The results of the review revealed that you are not in Ad-Seg, you currently reside in Facility-C, Cell 125, and you do not have Priority Library User status. It is further noted, that you are currently on C-status with Loss of Privileges for receiving two (2) CDC 115's, Rules Violation Reports, within a 60-day period, and will not receive any privileges for another two (2) weeks. Per CCR, Title 15, Section 3164(d), "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested and available law library materials to the inmate's quarters." Paging services are available on Facility-C when requested.

APPEAL DECISION:

Based on the above, this appeal is granted, in that you may use paging services while you are on C-status.


R. K. WONG

10/19/06
DATE

70 CH 1115, Appeals
 STATE OF CALIFORNIA
 INMATE/PAROLEE APPEAL FORM Office
 FORMA PARA APELACIÓN DE
 REOS/LIBERTADOS CON CONDICIONES
 CDC 602-B (3/93)

LOCATION: FACILITY / PAROLE REGION

LOG NO.

DEPARTMENT OF CORRECTIONS
CATEGORY1. LAC-C
2.1.
2.

10

Page 1

Usted puede apelar cualquier póliza, acción o decisión cual tenga significativo adverso afecto para usted. Con la excepción de CDC 115es Serios, acciones del comité de clasificaciones, y decisiones de clasificación u oficiales representantes, primero tiene que informalmente buscar ayuda por medio de discusiones con el oficial apropiado, quien firmara su forma e indicara que accion fue tomado. Si entonces no está satisfecho, puede enviar su apelación junto con todo documento soportivo y no más de una página adicional con comentarios al Coordinador de Apelaciones dentro de quince días de la acción tomada. Ninguna represalia se tomará por responsablemente usar el procedimiento de apelaciones.

NOMBRE (NAME)	NUMERO (NUMBER)	ASIGNACION (ASSIGNMENT)	UNIDA Y NO DE CUARTO (UNIT/ROOM NUMBER)
DESSE Stephen King	K88407		C15-142

A. DESCRIBA EL PROBLEMA (DESCRIBE PROBLEM) R.H. Grant Granted LDC-C-06-02512 Granted Mr. P. Boersch G. Douglas, And M. INAGIE Will not taking services on Facility-C-Telephone Directories / Yellow Pages Are not Accessible Inmates Access to Courts shall not be obstructed Penal Code # 5058, 5054, And 2601 Are Violated CC15# 3122

Si necesita más espacio, adjunte una oja adicional. (If you need more space, attach one additional sheet.)

B. ACCIÓN SOLICITADA (ACTION REQUESTED) Court Directory delivered per CC15# 3124(d)?

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE/PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

C. NIVEL INFORMAL (INFORMAL LEVEL)

Fecha Recibida (Date Received)

RESPUESTA DEL EMPLEADO (STAFF RESPONSE)

RECEIVED
 NOV 30 2006
 INMATE APPEALS
 BRANCH

FIRMA DEL EMPLEADO (STAFF SIGNATURE)

FECHA DEVUELTA AL REO (DATE RETURNED TO INMATE)

D. NIVEL FORMAL (FORMAL LEVEL)

Sino esta satisfecho, explique debajo, adjunte documentos soportivos (CDC 115 completo, Reporte del Investigador, Informe de Clasificación CDC 128, etc.) y soméталos al Coordinador de Apelaciones de la Facilidad/Región de Libertad Condicional para procesar dentro de 15 día de recibir la respuesta. (If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report Classification chrono, CDC 128, etc.) and submit to the facility/parole region appeals coordinator for processing within 15 days of receipt of response.)

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

CDC APPEAL NUMBER:

NOTA: APELACIONES DE PROPIEDAD/FONDOS TIENEN QUE SER ENVIADAS JUNTO CON UNA FORMA COMPLETA

90-Att-1

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

RE: APPEAL LOG # LAC-C-06-02512
First Level Appeal Response

NAME: KING
CDC# K-68407
APPEAL DECISION: PARTIALLY GRANTED
APPEAL ISSUE: LEGAL

CS
140

In your appeal you stated that the law library is in violation of the California Code of Regulations (CCR) Title 15, Section 3160(a), which states in part that inmate access to courts shall not be obstructed. *Inmate Access to Courts*. You further stated that Penal Code, Sections 2601, 5054, and 5058 are being violated with outdated Phone Directories at California State Prison-Los Angeles County.

You requested new Phone Directories for 2006.

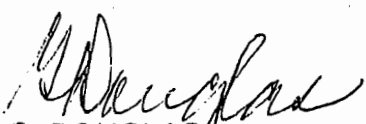
APPEAL RESPONSE:

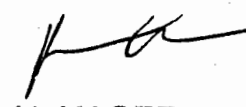
On August 21, 2006, G. Douglas, Academic Vice-Principal (A), interviewed you in person, providing you the opportunity to fully explain your appeal, and/or for you to provide any additional information or documentation. You did not provide any additional information.

A review of your appeal was conducted which included your interview and this appeal. Results of the review revealed that as indicated in your Informal Level Response, telephone directories/yellow pages are not mandated to be provided and/or kept current. Furthermore and also noted in your Informal Level Response, Court Directories are current and accessible within the law library; therefore providing you a means of access to the courts.

Regarding your claim that you are unable to gain access to the library when the outside temperature reaches 90 degrees, there is a procedure in place. During yard time, the building floor officer may notify the facility librarian to determine if there is space available. Subsequently, if space permits, custody staff may then release you to walk to the library, regardless of the outside temperature.

Therefore, based on the aforementioned information, your appeal is partially granted at the First Level of Review, in that if space permits, you may gain access to the library, regardless of the outside temperature.


G. DOUGLAS
Academic Vice-Principal (A)


M. MAGEE
Principal (A)

FIRST LEVEL REVIEW

DATE: FEBRUARY 20, 2007

NAME: KING

CDC NO: K68407

APPEAL NO: RJD-3-07-00277

FIRST LEVEL REVIEW

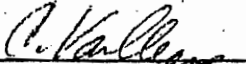
APPEAL ISSUE: PARTIALLY GRANTED

You are upset because you say that you need the yellow pages of a phone book for a new attorney.


APPEAL RESPONSE: In reaching a decision on this issue, a thorough review of your appeal was conducted. Mr. John Mahan, Academic Teacher, interviewed you on February 9, 2007. The Otay Mesa Adult School at the Richard J. Donovan Correctional Facility has opened the satellite library on Facility III. The Law Library generally has some yellow pages, but they are about 10 years old. White pages are not allowed in the prison. Other phone books are discouraged from being brought into the Institution.

The Licensed Technical Assistant (LTA) Ms. Sterling, has been going to the buildings on Facility III to take requests for copies to be made and case laws needed by inmates. You are charged for the case laws on an Inmate Trust Withdrawal. Your account is credited when you return the case law to the library staff. Your building has specific days and times each week to visit the library. Find out when those times are so that you can visit the library. At this time, we do not have any immediate date for opening the library on Facility III.

Therefore, based upon the aforementioned information, the First Level of Review is **PARTIALLY GRANTED**.


C. VAN CLEAVE
Academic Vice-Principal
R. J. Donovan C. F.

3/15/07
Date


E. CONTRERAS
Associate Warden, Facilities I, III
And Education

3/17/07
Date

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

Second Level Response

CS/142 L

Appellant's Name & CDC No.: King, K-68407
Appeal Log No.: LAC-C-06-02512
Appeal Issue: Legal
Appeal Disposition: Granted

APPEAL ISSUE:

In your appeal you state that the law library is in violation of California Code of Regulations (CCR), Title 15, Section 3160(a), and Penal Codes, by having outdated phone directories at California State Prison-Los Angeles County. You state you are dissatisfied with your First Level response, because Section 3164, Administrative Segregation (Ad-Seg) (d), states, "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested materials to inmate's quarters." You state you are on C-status, and need access from Ms. P. Boetsch, Library Technical Assistant.

APPEAL REQUEST:

You request access to the library while on C-status.

APPEAL RESPONSE:


On September 29, 2006, Ms. M. Magee, Principal (A) interviewed you, in person, to provide you with the opportunity to fully explain your appeal and for you to provide any supporting information or documents. You did not provide any additional information or documents.

A review of your appeal was conducted, which included your interview, a review of this appeal with attachments, and all applicable departmental policies and procedures.

The results of the review revealed that you are not in Ad-Seg, you currently reside in Facility-C, Cell 125, and you do not have Priority Library User status. It is further noted, that you are currently on C-status with Loss of Privileges for receiving two (2) CDC 115's, Rules Violation Reports, within a 60-day period, and will not receive any privileges for another two (2) weeks. Per CCR, Title 15, Section 3164(d), "If an inmate's housing restricts him from going to the inmate law library, arrangements will be made to deliver requested and available law library materials to the inmate's quarters." Paging services are available on Facility-C when requested.

APPEAL DECISION:

Based on the above, this appeal is granted, in that you may use paging services while you are on C-status.


R. K. WONG

10/11/2006
DATE

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the SECOND Level

November 22, 2006

KING, K68407
FCB500000000142L

Log Number: LAC-C-06-02512

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

MAIL THIS DIRECTLY TO THIRD LEVEL

CCIR IF# 3160 - Inmate Access to Courts (A)
Inmate Access to Courts shall not be obstructed.
Appeals Coordinator
CSP - Los Angeles County
STAFF will not help with
Habeas Corpus Petal Code 5058, 5054, 2601
were violated by R. K. WANG without
Court Access from 10/19 to 11-27 today
without a Law Library!

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

70 CH 1115, Appeals
 STATE OF CALIFORNIA
 INMATE/PAROLEE APPEAL FORM Office
 FORMA PARA APELACIÓN DE
 REOS/LIBERTADOS CON CONDICIONES
 CDC 602-B (3/93)

LOCATION: FACILITY / PAROLE REGION

LOG NO.

DEPARTMENT OF CORRECTIONS

CATEGORY

1.

2.

1.

2.

Page 1

Usted puede apelar cualquier póliza, acción o decisión cual tenga significativo adverso afecto para usted. Con la excepción de CDC 115es Serios, acciones del comité de clasificaciones, y decisiones de clasificación u oficiales representantes, primero tiene que informalmente buscar ayuda por medio de discusiones con el oficial apropiado, quien firmara su forma e indicara que accion fue tomado. Si entonces no está satisfecho, puede enviar su apelación junto con todo documento soportivo y no más de una página adicional con comentarios al Coordinador de Apelaciones dentro de quince días de la acción tomada. Ninguna represalia se tomará por responsablemente usar el procedimiento de apelaciones.

NOMBRE (NAME)

NUMERO (NUMBER)

ASIGNACION (ASSIGNMENT)

UNIDA Y NO DE CUARTO (UNIT/ROOM NUMBER)

DESSE Stephen Kiker

K88407

C8-142

A. DESCRIBA EL PROBLEMA (DESCRIBE PROBLEM)

R.H. YOUNG GRANTED LDC-C-06-02512 GRANTED MS. P. BOERCH G. PROULHARD, AND M. INAGEE
 WILL NOT LEGAL SERVICES ON FACILITY - C - TELEPHONE
 DIRECTORIES / YELLOW PAGES ARE NOT ACCESSIBLE
 INMATES ACCESS TO COURTS SHALL NOT BE OBSTRUCTED
 PENAL CODE # 5058, 5054, AND 2601 ARE VIOLATED CCIRB# 3122

Si necesita más espacio, adjunte una oja adicional. (If you need more space, attach one additional sheet.)

B. ACCIÓN SOLICITADA (ACTION REQUESTED)

Court Directory delivered
 per CCIRB # 3164(d)?

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE/PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

Jen Stephen Kiker

11/16/2006

C. NIVEL INFORMAL (INFORMAL LEVEL)

Fecha Recibida (Date Received)

RESPUESTA DEL EMPLEADO (STAFF RESPONSE)

RECEIVED
 NOV 30 2006
 INMATE APPEALS
 BRANCH

FIRMA DEL EMPLEADO (STAFF SIGNATURE)

FECHA DEVUELTA AL REO (DATE RETURNED TO INMATE)

D. NIVEL FORMAL (FORMAL LEVEL)

Sino esta satisfecho, explique debajo, adjunte documentos soportivos (CDC 115 completo, Reporte del Investigador, Informe de Clasificación CDC 128, etc.) y sométalos al Coordinador de Apelaciones de la Facilidad/Región de Libertad Condicional para procesar dentro de 15 días de recibir la respuesta. (If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report Classification chrono, CDC 128, etc.) and submit to the facility/parole region appeals coordinator for processing within 15 days of receipt of response.)

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

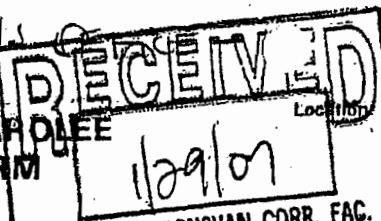
FECHA SOMETIDA (DATE SUBMITTED)

CDC APPEAL NUMBER:

NOTA: APELACIONES DE PROPIEDAD/FONDOS TIENEN
 QUE SER ENVIADAS JUNTO CON UNA FORMA COMPLETA

SN-Att. to Mr.

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)



Location Institution/Parole Region

Log No.

1.

2.

Category

You may appeal any policy, rule, or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME <u>Jesse Stephen King</u>	NUMBER <u>K68407</u>	ASSIGNMENT	UNIT/ROOM NUMBER <u>F3-15-22</u>
-----------------------------------	-------------------------	------------	-------------------------------------

A. Describe Problem: LAW LIBRARY CCRI# 3170 # 3164 (2) IF AN INMATE'S
HOUSING RESTRICTS HIM OR HER FROM GOING TO THE INMATE LAW
LIBRARY, ARRANGEMENTS WILL BE MADE TO DELIVER REQUESTED
AND AVAILABLE LAW LIBRARY MATERIALS TO THE INMATE'S QUARTERS.
CCRI# 3160 - (A) INMATE ACCESS TO THE COURTS SHALL NOT
BE OBSTRUCTED.

Penal code # 5058 # 5054 # 2601 ARE BEING VIOLATED
WITHOUT A LAW LIBRARY TO ACCESS.

If you need more space, attach one additional sheet.

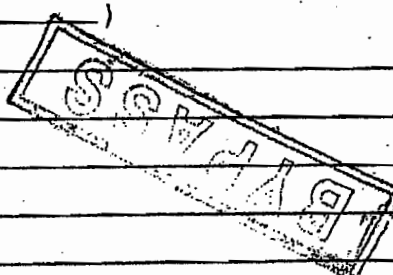
B. Action Requested: Phone book? Yellowpages.com?

Inmate/Parolee Signature: J. Stephen King

Date Submitted: 1-23-07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

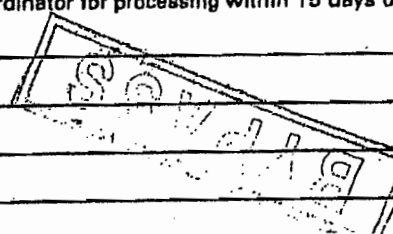


Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.



Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

RSD-07-277

CALIFORNIA STATE PRISON-LOS ANGELES COUNTY

RE: APPEAL LOG # LAC-C-06-02512
First Level Appeal Response

NAME: KING
CDC# K-68407
APPEAL DECISION: PARTIALLY GRANTED
APPEAL ISSUE: LEGAL

CS
140

In your appeal you stated that the law library is in violation of the California Code of Regulations (CCR) Title 15, Section 3160(a), which states in part that inmate access to courts shall not be obstructed. *Inmate Access to Courts*. You further stated that Penal Code, Sections 2601, 5054, and 5058 are being violated with outdated Phone Directories at California State Prison-Los Angeles County.

You requested new Phone Directories for 2006.


APPEAL RESPONSE:

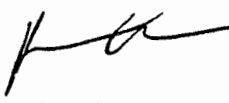
On August 21, 2006, G. Douglas, Academic Vice-Principal (A), interviewed you in person, providing you the opportunity to fully explain your appeal, and/or for you to provide any additional information or documentation. You did not provide any additional information.

A review of your appeal was conducted which included your interview and this appeal. Results of the review revealed that as indicated in your Informal Level Response, telephone directories/yellow pages are not mandated to be provided and/or kept current. Furthermore and also noted in your Informal Level Response, Court Directories are current and accessible within the law library; therefore providing you a means of access to the courts.

Regarding your claim that you are unable to gain access to the library when the outside temperature reaches 90 degrees, there is a procedure in place. During yard time, the building floor officer may notify the facility librarian to determine if there is space available. Subsequently, if space permits, custody staff may then release you to walk to the library, regardless of the outside temperature.

Therefore, based on the aforementioned information, your appeal is partially granted at the First Level of Review, in that if space permits, you may gain access to the library, regardless of the outside temperature.


G. DOUGLAS
Academic Vice-Principal (A)


M. MAGEE
Principal (A)

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: SEP 22 2007

In re: King, K-68407
Richard J. Donovan Correctional Facility
at Rock Mountain
P.O. Box 799006
San Diego, CA 92179-9005

LAB Case No.: 0617271

Local Log No.: RJD 07-00277

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner Rick Manuel, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that his request to access a phone book or the Yellow Pages was inappropriately denied. The appellant explains that he is in need of an attorney; however, his current housing restricts him from physical access to the law library. He relates that when an inmate is not allowed physical access to the law library, his legal needs are met via the institutional paging system. He relates that he requested access to a phone book or the Yellow Pages, so he could seek out a new attorney; however, his request was unfairly denied. The appellant requests on appeal that he be allowed access to a phone book or the Yellow Pages.

II SECOND LEVEL'S DECISION: The reviewer found that the appellant's concerns have been properly addressed. Developed information revealed that the appellant's housing status does not disallow him to attend law library sessions. However, in that he has no pending litigation or court ordered deadline dates, he must obtain access to the law library by submitting the appropriate request form. The appellant is reminded that his housing unit has specific days and times each week to visit the law library. The appellant is encouraged to submit a request, so that he can attend the law library as soon as his name reaches the top of the waiting list for his housing unit. As for the appellant's request to access a phone book or Yellow Pages, the appellant is advised that phone books are not maintained in either the recreation library or law library. The reviewer reports that there are some old Yellow Pages in the law library; however, they are about ten years old. White Pages are not permitted in either library. Based upon the aforementioned information, the reviewer considers the appellant's request granted in part at the Second Level of Review (SLR).

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The documentation and arguments presented are persuasive that the appellant has failed to support his appeal issue with sufficient evidence or facts to warrant a modification in the SLR. There is no evidence that supports the appellant's contention that he has inappropriately been denied access to a phone book or a copy of the Yellow Pages. The reviewer has verified that the appellant's housing status does not restrict him from attending the law library. The appellant has been advised of the procedure to receive a law library ducat. Furthermore, he has been advised that his housing unit is assigned specific days and times they can attend the law library. When the appellant accesses the law library he will find that ten-year old Yellow Pages are available; however, phone books are not maintained in any of the institutional libraries. Despite the appellant's dissatisfaction with the SLR decision, he has failed to offer any new or compelling evidence that substantiates his claim. Further review at the Director's Level of Review is not warranted.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section: 3001, 3120, 3122, 3160, 3270

C. ORDER: No changes or modifications are required by the institution.

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: **MAR 27 2007**

In re: King, K-68407
Richard J. Donovan Correctional Facility
at Rock Mountain
P.O. Box 799006
San Diego, CA 92179-9005

F3-15-228u

IAB Case No.: 0605848

Local Log No.: LAC 06-03015

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Floto. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #C06-07-0074, dated July 20, 2006, for "Threatening Staff," a Division "F" offense. The appellant maintains that the incident was the result of staff misconduct in the initiation of disciplinary action against him. It is the appellant's position that he is not guilty of the RVR. He requests dismissal of the RVR.

II SECOND LEVEL'S ARGUMENT: The reviewer found that the appellant was afforded all of his due process rights, including a fair and unbiased hearing. On July 20, 2006, the appellant threatened the reporting employee, stating "...I'm gonna write you at home, like I did the others." The appellant has a history of writing unsolicited mail to persons unknown to him confirming that he had the ability to carry out his threat. The appellant was found guilty based upon a preponderance of evidence by an impartial Senior Hearing Officer (SHO). The appellant did not meet the criteria for the assignment of an Investigative Employee to assist him in the gathering of evidence. The appellant is a Correctional Clinical Case Management System (CCCMS) status inmate. His CCCMS level of care does not require that his behavior or that the penalty need not be considered in adjudication of the RVR. The appellant did not meet the criteria for the assignment of a Staff Assistant as there was no need for a confidential relationship; the issues are not complex; and the appellant is not illiterate and understands English. The appellant requested that the reporting employee be present at the hearing. The SHO allowed the reporting employee and documented the statements provided. The appellant requested that four additional witnesses be present at the hearing. The SHO allowed one of the witnesses and documented the statements provided by him. The SHO determined that the other three requested witnesses had no additional or relevant information to provide for a decision to be rendered.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The appellant was afforded all due process rights in the adjudication of the RVR and all procedural guidelines were met. A preponderance of evidence was established by an impartial SHO to sustain the guilty finding. Reports reflect that the appellant has presented no new or compelling evidence in the appeal, which would warrant a modification of the decision reached by the institution.

B. BASIS FOR THE DECISION:
California Code of Regulations, Title 15, Section: 3005, 3315, 3320, 3323

C. ORDER: No changes or modifications are required by the institution.

Jesse Stephen King

Salinas Valley State Prison

08-109

P.O. Box 1350

Salinas, California

493560

RECEIVED

AUG 14 2008

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Proof

United State Courthouse

Clerk's Office

450 Golden Gate Avenue, 16th Floor

San Francisco, California

494102

STATE PRISON
GENERATED MAIL

08/12/08 TM